

Message Text

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67

ORIGIN L-03

INFO OCT-01 ARA-11 ADP-00 SCA-01 JUSE-00 BNDD-05 RSC-01

SSO-00 /022 R

DRAFTED BY L/ M/ SCA: JABOYD: MF

EXT 23062 3/9/73

APPROVED BY L/ M/ SCA: KEMALMBORG

L/ M/ SCA: PHPFUND

JUSTICE: MRSTEIN

BNDD: JSTRICKLER

ARA/ CEN; MR. LIPPE

----- 013868

O 092104 Z MAR 73

FM SECSTATE WASHDC

TO AMEMBASSY SAN JOSE IMMEDIATE

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E. O. 11652: N/ A

TAGS: PFOR, CPRS, CS

SUBJ: EXTRADITION - ANGEL SEGUNDO CORONEL DEL TORRO

REF: SAN JOSE 300 (FEBRUARY 4, 1971)

1. EMBASSY IS INSTRUCTED TO REQUEST THE PROVISIONAL ARREST FOR EXTRADITION OF SUBJECT PURSUANT TO THE PROCEDURES FOUND IN THE EXTRADITION TREATY SIGNED IN 1922 BY THE U. S. AND COSTA RICA AND THE INFORMAL OPINION OF THE FOREIGN OFFICE OF THE GCR DISCUSSED IN REFTEL. EMBASSY SHOULD EXPLAIN THAT REQUEST IS BEING MADE IN VIEW OF USG CONCERN THAT SUBJECT' S RELEASE FROM CUSTODY (AND CONSEQUENT DISAPPEARANCE) MAY BE IMMINENT. EMBASSY IS FREE IN ORDER TO ASSURE THE CONTINUED CUSTODY AND ULTIMATE RETURN OF SUBJECT TO U. S. TO TAKE ONE OF THE FOLLOWING COURSES OF ACTION: (1) MAKE IMMEDIATE REQUEST FOR PROVISIONAL ARREST FOR IMMEDIATE IMPLEMENTATION; (2) MAKE IMMEDIATE REQUEST FOR PROVISIONAL ARREST FOR IMPLEMENTATION WHEN SUBJECT' S RELEASE FROM CUSTODY IS IMMINENT;

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OR (3) DEFER MAKING REQUEST FOR PROVISIONAL ARREST IN RELIANCE ON EMBASSY BEING TIMELY NOTIFIED BY GCR THAT SUBJECT' S RELEASE IS IMMINENT. APPROPRIATE COURSE OF ACTION LEFT TO EMBASSY WHICH HAS BETTER ACCESS TO LOCAL INFORMATION.

2. SUBJECT WAS BORN IN CUBA ON MAY 31, 1936. HE STANDS 5 FT. 8 INCHES, HAS BROWN HAIR, AND BROWN EYES. DEPT OF JUSTICE STATES THAT HE HAS A CUBAN PASSPORT AND THAT HE IS A PERMANENT RESIDENT ALIEN OF THE U. S. A.

3. JUSTICE STATES THAT THE SUBJECT HAS BEEN IMPRISONED IN COSTA RICA BUT DOES NOT KNOW PRECISE LOCATION. JUSTICE STATES THAT EMBASSY ALREADY KNOWS OF SUBJECT' S WHEREABOUTS AS THE RESULT OF PREVIOUS ATTEMPTS OF BNDD TO OBTAIN HIS DEPORTATION TO USA FOR NARCOTIC TRAFFICKING.

4. SUBJECT WAS INDICTED BY FEDERAL GRAND JURY, EASTERN DISTRICT OF N. Y., (EDNY) ON THREE OCCASIONS ON FEBRUARY 22, 1973, FOR VIOLATION OF SECTIONS 173 AND 174 OF TITLE 21 OF THE UNITED STATES CODE. SECTION 173 PROHIBITED THE IMPORTATION OF DRUGS WHILE SECTION 174 IMPOSED PENALTIES FOR BRINGING NARCOTIC DRUGS INTO THE U. S. CONTRARY TO LAW. THE INDICTMENTS ARE NUMBERED 73 CR 191, 194, AND 195. THE INDICTMENTS CHARGE THE SUBJECT WITH IMPORTING AND DISTRIBUTING LARGE AMOUNTS OF HEROIN. SUBJECT IS CHARGED WITH HAVING BEEN IN THE USA IN CONNECTION WITH THESE CRIMES. INDICTMENT 73 CR 191 DEALS WITH A PERIOD OF TIME FROM JUNE 1, 1969 UNTIL JULY 30, 1969. INDICTMENT 73 CR 194 IS CONCERNED WITH SUBJECT' S CRIMINAL ACTIVITIES FROM JULY 1, 1970, UNTIL JANUARY 1, 1971. INDICTMENT 73 CR 195 CHARGES SUBJECT WITH CRIMINAL ACTS FROM DECEMBER 1, 1969, UNTIL JUNE 30, 1970. ONLY INDICTMENT 73 CR 194 WAS OPENED ON MARCH 9, 1973, INDICTMENTS 73 CR 191 AND 195 TO REMAIN SEALED UNTIL SUBJECT APPREHENDED. A WARRANT FOR THE ARREST OF SUBJECT WAS ISSUED ON FEBRUARY 22, 1973, BY FEDERAL JUDGE JACOB MISHLER OF U. S. DISTRICT COURT, EDNY.

5. WHEN MADE, PROVISIONAL ARREST SHOULD BE REQUESTED " PURSUANT TO PROCEDURES OF 1922 TREATY" EVEN THOUGH ARTICLE II DOES NOT SPECIFICALLY REFER TO NARCOTICS CRIME. REFTTEL STATES THAT THE CHIEF CONSULAR AFFAIRS, FOREIGN OFFICE, GCR, INFORMALLY ADVISED AMEMBASSY SAN JOSE ON LIMITED OFFICIAL USE

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OR ABOUT 2/4/71 THAT QUOTE GCR WOULD HONOR U. S. REQUEST

EXTRADITION THIRD COUNTRY NATIONAL WANTED U. S. FOR
NARCOTICS VIOLATION UNQUOTE. COSTA RICA PERMITS EXTRADI-
TION WHERE NO TREATY EXISTS. JUSTICE STATES THAT DEATH
PENALTY WILL NOT BE IMPOSED IN THIS CASE.

6. UPON NOTIFICATION BY AMEMBASSY SAN JOSE TO SECSTATE
THAT SUBJECT HAS BEEN PROVISIONALLY ARRESTED PURSUANT TO
THIS REQUEST TOGETHER WITH DATE DETENTION OF PROVISIONAL
ARREST BEGAN, LEGAL EVIDENCE REQUIRED IN ARTICLE XII WILL
BE PREPARED FOR TRANSMISSION TO SAN JOSE. PLEASE ADVISE
OF DEVELOPMENTS. ROGERS

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*** Current Classification *** LIMITED OFFICIAL USE

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